



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,703	07/02/2003	Thomas Gross	AUS920030435US1	4415
35525 7590 10/31/2007 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER HIGA, BRENDAN Y	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,703

Applicant(s)

GROSS ET AL.

Examiner

Brendan Y. Higa

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2153

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on August 23, 2007.

Claims 1-25 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-13, 18-21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agapiev (US 2002/0120714) in further view of Caulfield et al. (US 6421943), hereafter referred to as Caulfield.

A per claims 1 Agapiev teaches receiving a request from an application (see client [application], Fig. 2, ref. 200, and ¶ 0064), wherein the request identifies one or more information items ("conducting a search", ¶ 0060-0061, "the search phase begins by receiving a request from the client including a designation of sites to be search" and "parameter variables", see ¶ 0073 'which are instantiated in response to the request', i.e. the user can search used cars for sale on the Internet using parameter variables such as "Volkswagon Pasat"); determining an information provider (content server, Fig.

Art Unit: 2153

4, ref. 406a-406d) for a given information item within the one or more information items (§ 0008, § 0054 and § 0073, wherein the content servers correspond to the designation of sites to be search); retrieving the given information item from the information provider ("conducting a search" § 0060-0061), wherein the step of retrieving the given information item includes generating a retrieval client ("generating a search agent", see § 0057 i.e. "web crawler, spider, or bot", § 0094 and § 0073, "the search methodology is then implemented in code in the customized search agent to enable subsequent searching of that site by a user"), wherein the retrieval client retrieves the given entitlement information item from the information provider ("conducting a search" § 0060-0061) forming a response ("aggregate result", see [0054]), wherein the response includes the one or more information items ("a single, aggregate result", see [0054]); and returning the response to the application (see "receive a single, aggregate result", see [0054]).

Agapiev does not expressly receiving a request, for access decision information from an application, wherein the request identifies one or more entitlement information items for an entity and an identity of the entity.

However, in the same art of network searching, Caulfield teaches a automated system for performing a background checks over a communications network. The system includes a webpage (hosted on a web server) for receiving from a client workstation (i.e. application) request for access decision information concerning the purchase of a firearm. After entering log-in information, a user will request criminal (and possibly other relevant records) records (read as entitlement information for an entity) providing

Art Unit: 2153

information identifying the firearm purchaser (an identity of the entity). Upon receiving the request the web server then retrieves the requested information from a remote server, via the communications network, to determine whether the purchaser may or may not purchase the firearm (see col. 9, line 65-col. 10, line 45).

One of skill in the art would have been motivated to combine the teachings of Agapiev with the teachings of Caulfield in order to utilizing the system described by Agapiev to collect access decision information concerning the purchaser of a firearm.

As per claim 2 Agapiev in view of Caulfield further teaches caching the retrieved given entitlement information item in a local storage (Agapiev ¶ 0096).

As per claim 3 Agapiev in view of Caulfield further teaches identifying a cached entitlement information item within the one or more entitlement information item; and retrieving the cached entitlement information item from a local storage (Agapiev ¶ 0096).

As per claim 8, Agapiev in view of Caulfield teaches the invention substantially as claimed as noted above. Furthermore, Caulfield teaches wherein the application (read as the user application, i.e. network browser) is an access manager that is operatively coupled to a web server (website) that receives the entity requests from the entity across a network (Caulfield, see, col. 9, line 65-col. 10, line 45).

Art Unit: 2153

The same motivation that was utilized for combining Agapiev and Caulfield in claim 1 applies equally well to claim 8.

As per claim 9, Agapiev in view of Caulfield teaches the invention substantially as claimed as noted above. Furthermore, Caulfield teaches wherein the access manager includes a rules engine (determining whether the purchaser may operate the firearm, read as a rules engine see, col. 9, line 65-col. 10, line 45).

The same motivation that was utilized for combining Agapiev and Caulfield in claim 1 applies equally well to claim 9.

As per claim 10, Agapiev in view of Caulfield teaches the invention substantially as claimed as noted above. Furthermore, Caulfield teaches wherein the entity is a user, and wherein the user contacts the web server to obtain a service therefrom (Caulfield, see, col. 9, line 65-col. 10, line 45).

The same motivation that was utilized for combining Agapiev and Caulfield in claim 1 applies equally well to claim 10.

Claims 11-13, 18-21, and 25 are rejected under the same rationale as claims 1-3 and 8-10, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Art Unit: 2153

Claims 4 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agapiev (US 2002/0120714) in view of Caulfield (US 6421943), in further view of Zhu et al. (US 6928526), hereafter referred to as Zhu.

As per claims 4 and 14, Agapiev does not expressly teach wherein the cached entitlement information is in the form of a container.

However, in the same art of data caching, Zhu teaches an efficient data storage system using container data structures (see receiving container, and segment container, Fig. 2, and col. 8, lines 48-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Agapiev with the teachings of Zhu for storing the entitlement information in the form of a container, to improve organization of the entitlement information and improve efficiency in retrieving the entitlement information.

Claims 5, 6, 15, 16, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agapiev (US 2002/0120714) in further view of Caulfield (US 6421943), in further view of Irie et al. (US 6092099), hereafter referred to as Irie.

As per claim 5, Agapiev in view of Caulfield teaches the invention substantially as claimed as noted above. Agapiev further teaches wherein the request includes a plurality of information items ("parameter variables", see ¶ 0073), wherein the step of determining an information provider includes determining a given information provider

Art Unit: 2153

for each one of the plurality of information items to form a plurality of information providers (determining websites, [information providers] to be search, ¶0073).

Agapiev does not expressly teach wherein the step of retrieving the given entitlement information item includes: generating a retrieval client for each one of the plurality of information providers to form a plurality of retrieval clients wherein each one of the retrieval clients retrieves entitlement information from a given one of the information providers that it is associated with. As best understood Agapiev only generates a single search agent, which then in turn requests the information according to the specific search methodology (see ¶ 0061).

However, in the same art of search agents, Irie teaches a system for generating a plurality of search agent, wherein the plurality of agents may be launched one after the other for searching dissimilar data structures (read as protocol specific information providers) (see col. 8, lines 34-59).

One of skill in the art would have been motivated to generate a plurality of search agents in the invention described by Agapiev, in order to provide a more comprehensive search of the information providers.

As per claim 6, the combination of Agapiev, Caulfield, and Irie teaches the invention substantially as claimed as noted above. Furthermore, Agapiev teaches wherein each one of the retrieval clients (search agents, see ¶ 0061) generates a protocol module to form a plurality of protocol modules (see search agent sends a requests, read as generating a protocol module, ¶ 0061) and wherein each one of the protocol modules

Art Unit: 2153

retrieves entitlement information from a given one of the information providers that it is associated with using each of the information providers (¶ 0061, "The results from the search of the designated sites 704 are then parsed 706 and the parsed results are aggregated and presented to the client 708")

Agapiev does not expressly teach the information provider requiring provider specific protocol, however, in the same art as noted above Irie teaches a system for generating a plurality of search agents for retrieving information from dissimilar data structures (read as protocol specific information providers, see col. 8, lines 34-59).

The same motivation that was utilized for combining Agapiev, Caulfield and Irie in claim 5 applies equally well to claim 6.

Claims 15, 16, 22, and 23 are rejected under the same rationale as claims 5 and 6, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Claims 7, 17, and 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agapiev (US 2002/0120714) in view of Caulfield (US 6421943), in view of Irie (US 6092099), in further view of Zhu (US 6928526).

A per claim 7, 17, and 24 Agapiev does not expressly teach wherein the cached entitlement information is in the form of a container.

Art Unit: 2153

However, in the same art of data caching, Zhu teaches an efficient data storage system using container data structures (see receiving container, and segment container, Fig. 2, and col. 8, lines 48-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Agapiev with the teachings of Zhu for storing the entitlement information in the form of a container, in improve organization of the entitlement information and improve efficiency in retrieving the entitlement information.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see attached PTO 892)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2153

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BYH


THU HA NGUYEN
PRIMARY EXAMINER